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ABSTRACT

This study investigated the efforts to find public support for religious education. A history of education in the United States prior to 1800 is presented to show that the majority of the schools were denominational, whereas at the end of the nineteenth century, the majority of schools were public, and, their supporters claimed, secular. The second part of the study investigated the efforts in the early part of the 19th century to establish publicly supported religious schools. As a consequence of the conflict between those who were in agreement for publicly financed denominational schools and those who argued for nonsectarian public schools, the "godless" public school gradually emerged, as explored in the third section. The last part analyzes efforts (such as the Poughkeepsie Plan and the Savannah Plan) to establish religious public schools. As the relationship between religion and public schools is considered in the present, it is important to ask what can be learned from the past. References contain 17 primary sources, 16 court decisions, and 46 secondary sources. (JMD)

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PUBLIC SUPPORT FOR RELIGIOUS EDUCATION IN THE NINETEENTH-CENTURY UNITED STATES

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Introduction

At the beginning of the nineteenth century, most of the schools in the United States were denominational, sponsored by a variety of religious sects. By the end of the century, although there remained a significant number of denominational schools, the vast majority of the schools were public, whose supporters claimed were secular. If there was any religious influence, e.g., bible reading or prayer, it was to be strictly non-denominational.

As state and local governments became increasingly concerned about education in the nineteenth century, they made larger sums of money available to schools. Denominational schools sought a share of this fiscal pie. Early in the century, a first series of efforts sought to fund denominational schools directly from public revenues. These publicly-supported denominational schools would receive from the public school funds a sum of money proportional to the number of students, especially the number of poor students, enrolled. Opposing this first series of efforts was a second series of efforts. In this effort, religious men sought to establish common schools, which were religious but non-denominational. These nondenominational public schools were supported by most Protestant and opposed by most Catholics. As an unintended consequence of the conflict between the first and second series of efforts, explicit religious influences gradually were removed from common schools. As these common schools became more "godless," a third effort emerged. Denominational schools would be conducted as public schools during the normal school day. In these religious public schools, teachers, who were members of a church, would teach the children of that church in buildings often leased by the church to the public school authorities. Secular subjects only were taught during the normal

school. Denomination teachings were taught either before or after school, or during the lunch break.

As we prepare for the end of the twentieth century, the question of public support for religious education remains on the national agenda. There are efforts to pass constitutional amendments to allow school-sponsored prayer and sectarian teaching (e.g., creationism) in public schools. There are efforts to allow parents, especially economically-disadvantaged parents, to use vouchers to send their children to parochial schools. An understanding of the efforts in the nineteenth century to find public support for religious education may help to enlighten the present discussion.

In this study, therefore, the author investigates these efforts to find public support for religious education. The study begins with a summary of the history of education in the United States prior to 1800. The second part of this study is an investigation of the efforts in the early part of the nineteenth century to establish publicly-supported religious schools. The gradual emergence of the "godless" public school, as an unintended consequence of the conflict between those who wanted to establish publicly-financed denominational and those who wanted to establish non-sectarian public schools, is considered in the third part of this paper. The final part of this study is an analysis of the efforts to establish religious public schools.

EDUCATION IN THE UNITED STATES PRIOR TO 1800

Prior to the founding of the American nation at the end of eighteenth century, religious congregations sponsored most of the schools in the territories that were to become the United States. These schools had a decidedly religious purpose--the salvation of souls. Parents also

sponsored schools or provided tutors for their children in order to provide for a more secular education. Philanthropic groups, likewise, sponsored schools for the children of the poor. The government played little role in education, except in those regions in which the government and religious denominations were intertwined. Because the history of education in each region is dissimilar, each region will be considered separately.

New England

The Dutch Reformed Church founded the first school in the thirteen original colonies in 1633 (Burns, 1908). The Boston Latin school was established two years later. These schools were founded to continue the education of young men (ages 7 to 16). Boys were first taught to read at home or in the home of a neighbor. When they entered school they were taught more advanced reading and writing skills. The primary texts were the Bible, the Catechism, and the Primer.

In 1647, the Old Satan Deluder Act in Massachusetts required each town and city to establish a school, supported by public revenue. In Massachusetts, as well as in most of New England, all government, including education, was under the monopoly of the established church, Congregationalism (Cubberly, 1919). Attendance at school was mandatory for boys. As the name of the act implies, the purpose of school was to educate men to read the Bible and the Catechism, and thus be able to resist the wiles of the devil. "Throughout the seventeenth century, the leaders of New England retained sublime confidence that man's chief enemy was ignorance of Holy Scripture. The schooling called for was, in reality, to ensure the religious welfare of the children" (Pratte, 1973, p. 40).

Middle Atlantic States

The Middle Atlantic States, with the exception of Maryland, were primarily Protestant. No one denominational sect was dominant. Education was seen as a private and parochial function. Each denomination opened its own school in order to train children in the beliefs of its religious faith. The model in the Middle Atlantic States was the parish-supported parochial school (Cubberly, 1919).

A notable exception to this pattern, however, occurred in Pennsylvania. In the early eighteenth century, William Penn argued that the state, in addition to the home and the church, had a legitimate interest in education as the foundation for responsible citizenship (Kashatus, 1995). At the end of the eighteenth century, when the Pennsylvania legislature attempted to enact legislation providing for the support of tax-supported schools they were opposed by several religious denominations, especially the Lutherans, who operated the largest parochial system at this time. In 1796 the Lutheran Ministerium argued that "the design of the Pennsylvania Assembly to establish free schools throughout the State would very much injure the German schools, especially in regard to the religion taught in them, and would very likely destroy them" (Beck, 1965, p. 63). As the nineteenth-century dawned, the parochial model remained dominant in the Middle Atlantic States.

Southern States

During the colonial period, the South was agrarian, with very few cities and towns. Whereas the settlers in New England were primarily dissenters from the Church of England who came to the colonies for their religious freedom, the settlers in the Southern States were members

of the Church who came for economic gain (Cubberly, 1919). The aristocratic ideals of England dominated the culture. The plantation owners, the bankers, and the merchants preferred to send their children away to private schools or had them tutored at home by local ministers and seminarians (primarily of the Anglican faith).

This aristocratic character of the society led to very little interest being paid to the education of the poor. Their needs were largely ignored, except in the larger towns and cities, where various philanthropic societies established "pauper schools," which were in poor condition and poorly attended. Part of the reason for this poor attendance was that white parents were required to admit that they were paupers before they could have their children attend without paying tuition (Pratte, 1973). It was not until 1810 that Virginia, due to the influence of Thomas Jefferson, set aside some public funds for the education of poor whites. However, "the major part of this Literary Fund was directed to the support of academies and colleges, the types of school in which the ruling class actually believed" (Monroe, 1940, p. 212). There was little effort to establish schools for the children of the slaves or of the poor whites.

Mid-Western and Western States

The earliest schools in the area that is now the United States were those established by the Spanish missionaries. In 1531, the bishop of Mexico, which included the Southwest of the US, reported that each convent of the Franciscans in his diocese had a school attached to it, and that 600 Aztec youth were attending a college founded by Peter of Ghent, a Franciscan lay brother (Burns, 1908). By 1541 the Franciscans had established a school in Quivera (OK) for Native Americans. In 1606, the Franciscans opened a school in St. Augustine (FL) in order to

instruct the children in reading and writing and Catholic doctrine. The school, which closed in 1753, was also a preparatory seminary (Burns, 1908).

In the early eighteenth century, the Jesuits opened schools in Lower California. Usually, each mission had two schools for children six to twelve, one for boys and one for girls. When the Jesuits were expelled in 1767, the Franciscans, notably Junipero Serra, arrived on the return trip of the boat used by the Jesuits (Burns, 1908). These Franciscans continued the mission of education begun by the Jesuits.

In 1722, the French Capuchins established a school for boys in New Orleans, the capital of New France. Five years later, the Ursuline sisters opened Ursuline Academy in New Orleans. This school, which still exists, had three divisions: a traditional convent boarding school for girls of the elite, a day school for the daughters of the merchant class, and a school to teach religion to Black and Indian children (Burns, 1908).

In the Mid-West and West, therefore, at the beginning of the nineteenth century, education was the product of evangelization by Spanish and French missionaries.

THE PUBLICLY-SUPPORTED DENOMINATIONAL SCHOOL

The majority of schools that were established in the United States prior to 1800 were religious schools. Their purpose was to pass on to future generations the beliefs of the sponsoring faith. During the early years of the nineteenth century, there emerged a growing interest on the part of government with the secular purposes of education. The new nation required an educated citizenry that was able to participate in the democratic process. This democratic purpose challenged the primacy of the religious purpose of education. One of the

most significant conflicts between the religious and the secular purposes of education occurred in New York.

On April 9, 1805 (Laws of NY, 1806), the state legislature decided to fund the education of the poor.

> "Whereas De Witt Clinton and others, have associated themselves for the laudable purpose of establishing a free school in the city of New York, for the education of the children of persons in indigent circumstances, who do not belong to or are not provided for by any religious society; and whereas the said persons have presented a petition to the legislature, setting forth the benefits which would result to the society from the education of such children, by implanting in their minds the principles of religion and morality, and by assisting their parents in providing suitable situations for them, where habits of industry and virtue may be acquired, and that it would enable them more effectually to accomplish the benevolent objects of their institution, if their association were incorporated" (pp. 267-269).

Several years earlier, the trustees of Saint Peter's Church approved the establishment of the first Catholic school in New York on March 30, 1800 (Farley, 1908). By 1806, Saint Peter's school was the largest denominational school in the city (Ryan, 1935) and it sought a portion of the school in accordance with the above law. On May 5, 1806, Saint Peter's church received its first moneys from the city's educational fund, $1,565.78 (Minutes, 1917).

Beck (1965) reported that the parochial school at Christ Lutheran Church (later called Saint Matthew's Lutheran School) in Manhattan was one of ten schools that received money in 1806 from the state for the education of poor children. From this time until 1814, however, no other funds were given to denominational schools.

Meanwhile in 1805, the Free School Society opened its first school. This school was opened in response to the above-cited act of the legislature providing for the "education of the

children of indigent persons who do not belong to or are not provided by any religious society." Between 1806 and 1813, this society was the sole recipient of public educational funds. It would be a mistake, however, to consider this school a secular school. On Tuesday afternoons various religious sects provided religious instruction to the children and on Sunday mornings the children met at the school and then dispersed to attend their respective churches (Burns, 1912).

In 1813 the state legislature determined that school moneys should be directed to "the trustees of the Free School Society, the Orphan Asylum Society, the Economic School, the African Free School, and the trustees of such incorporated religious society in said city, as now support, or hereafter shall establish charity schools within said city, who may apply for the same" (Revised Laws, 1813, p. 267). This money was restricted to paying the wages of teachers.

In 1820, the trustees of the Bethel Baptist Church in New York City applied to the state legislature of New York for a share of these public school funds. This occurred without incident and funds were given to the school to be used for teachers' wages. The original school established by the church used the Lancastrian plan, and was able to provide an education with a minimum of paid faculty. A surplus of funds accumulated. The church asked for permission to use the surplus to erect buildings and open new schools. The Free School Society already had permission to use surplus funds in this way. Permission was granted and the church opened two new schools. The Free School Society objected. The Episcopal and Dutch churches sided with the Baptists, protesting that the Free School Society was seeking to become a monopoly. The Society responded that if it were a monopoly, it was one to which every citizen had the right to join (Boese, 1869).

In 1823, the Free School Society presented a petition to the legislature requesting (1) a repeal of the legislation allowing the Bethel Baptist Church to use surplus funds to erect new schools and (2) a review of the law that allowed religious school a portion of the fund. On February 25, 1823, the legislature asked that John V. Yates, the Superintendent of the Common Schools, write a report on the expenditures of the school fund (Boese, 1869). In responding to a request from Yates for this information, the trustees of Saint Patrick's Cathedral and Saint Peter's church reported on January 4, 1824 that between 1814 and 1823, Saint Peter's received annual grants from the state totaling $11,643.59. Saint Patrick's, which split from Saint Peter's when the congregations were split, received $5748.61 between the years 1817 and 1823 (Farley, 1908).

After considerable debate, the legislature in 1824 repealed the 1813 law and turned over control of the school fund and its distribution to the city council of New York City (NYS Laws, 1824). Bethel Baptist Church pursued its application for funding to the city council, which decided not to grant funding to the three schools that the church was then operating. In addition, the city council refused to grant funding to any religious schools (Cubberly, 1919). Between 1825 and 1840 the Public School Society received almost all of the public educational funds; the denominational schools were excluded. The exception occurred in 1831.

On March 7, the Catholic Benevolent Society, which ran a school for Catholic orphans, applied to the Common Council of New York, for a portion of the public educational fund. Two weeks later, on March 21, the Trustees of the Methodist Episcopal Church applied also for "an Equitable share of School money." The Benevolent Society argued that the Protestant Orphan

Asylum School was receiving funds. The Public School Society opposed the granting of these funds, arguing that the Protestant Asylum was open to all, but that the other schools were not. Both petitions were referred to the Committee on Common Schools. This committee recommended on May 2 that the council approve funds for the Catholic Benevolent Society, but not for the Methodist Episcopal School (Minutes, 1917).

There was a period of calm until, as a result of the Irish potato famine and other problems in Europe, the cities of New York were overwhelmed by massive immigration. In New York City alone, immigration had swelled the population from 120,000 in 1820 to over 300,000 in 1840. These immigrants were primarily Catholics. However, only two to three percent of Catholic children were attending the public schools (Ravitch, 1974). They were shunning the public schools because those schools were inimical to their language and their religion. An alarmed Governor Hughes wrote to the state legislature in January 1840:

> The children of foreigners, found in great number in our populous cities and towns, and in the vicinity of our public works, are too often deprived of the advantages of our system of public education, in consequence of the prejudice arising from differences of language and religion. It ought never be forgotten that the public welfare is as deeply concerned in their education as in that of our own children. I do not hesitate, therefore, to recommend the establishment of schools in which they may be instructed by teachers speaking the same language with themselves and professing the same faith (Bourne, 1870, p. 179).

The trustees of Saint Peter's Church immediately applied to the City Council of New York for a share in these funds, arguing that for many years they have been educating from Church funds four to five hundred children annually (Memorial, 1840). When the City Council refused, they appealed to the state legislature. A Hebrew school and a Scotch Presbyterian school joined with the Catholics in their appeal. They were opposed by the Public School

Society, whose opposition was supported by the Methodists, Episcopalians, Baptists, Dutch Reformed, and Reformed Presbyterians (Cubberly, 1919). All three requests were denied on April 27, 1840. The Saint Peter's Church responded by submitting a request for funding to the Board of Aldermen, who held a public debate on the issue on October 29 and 30. The debate pitted Catholics and Jews against Protestants. When the Board denied the request on January 11, 1841, the Church presented petition to Albany (Ravitch, 1974)

The situation had become extremely politicized. Seward had run for re-election in 1840 as a Whig, and Bishop John Hughes of New York entered into the fray in support of Seward. Catholics at this time comprised about one-fifth of the total population of the city (Lannie, 1968). Even though Seward was re-elected, his margin was slim. Catholics, despite the support of Hughes for Seward, had voted for the Democrats and many Whigs voted against him on account of his position on funding for religious schools.

In the election of 1841, Hughes proposed a slate of candidates to run for the state legislature. Although none of his candidates won, he had demonstrated in this election that a small group of Catholics (about 2,000) could hold the balance of power in elections in the city. Most of the New York City Press vilified Hughes for using his pulpit to engage in partisan politics. One paper, the Sunday Times, defended him. On November 7, 1841, the editor wrote:

> As we happen to be a member of a church opposed to Rome, it cannot be thrown at us that our religious principles prejudice us in his favor. We defend him on the grounds of simple justice...
>
> We should again remark that we are not advocates of the School Fund Society, or are we against it; or in fact, for any party measure; but we take up the cudgels for Bishop Hughes simply because we think he has been shamefully interfered with in the assumption of his just rights and immunities (p. 3).

As a result of the petitions presented by Saint Peter's Church, the Secretary of State of New York and Superintendent of the Common Schools John Spencer made three recommendations. First, the election of a commissioner of common schools, in each ward of the city. Secondly, the extension of the general schools laws of the State to the city. Thirdly, the commissioners to adopt and take under their charges, the schools of the Public School Society, and the schools of the other associations and asylums, now receiving the public money (Assembly Documents, 1842).

In response to Spencer's recommendation, the state legislature created in 1842 the City Board of Education, and decided that no portion of the school funds were to be given to schools in which there was sectarian teaching:

> "No school above mentioned, or which shall be organized under this act, in which any religious sectarian doctrine or tenet shall be taught, inculcated, or practised, shall receive any portion of the school moneys to be distributed by this act, as hereinafter provided; and it shall be the duty of the trustees, inspectors, and commissioners of school in each ward, and of the deputy superintendent of schools, from time to time, and as frequently as need be, to examine and ascertain, and report to the said board of education, whether any religious sectarian doctrine or tenet shall have been taught, inculcated, or practised in any of the schools in their respective wards" (Laws of New York, 1842, c. 150).

As a result of the demonstration of their political power in the election of 1841, when New York City Catholics indicated their support for the Maclay Bill, the New York State legislature passed it in 1842 (Ravitch, 1974). This bill denied public funds to both sectarian schools and other schools teaching any sectarian doctrine. Superintendent Spencer endorsed its passage. His plan was to break the Public School Society's monopoly over the city's public schools (Buetow, 1989). While this action did break the monopoly of the Public School Society

in New York City, Catholics failed to achieve funding for Catholic schools. The result was that all government-funded schools were to be secular (Lannie, 1968).

Bishop Hughes, thereupon, gave up the effort to find common ground with public schools. He insisted that the parishes and diocese should support parochial schools. In a circular letter to his diocese in 1850, he wrote:

> I think the time is almost come when it will be necessary to build the school-house first and the church afterwards. Our fellow citizens have adopted a system of general education which I fear will result in consequences, to a great extent, the reverse of those which are anticipated. They have attempted to divorce religion, under the pleas of excluding sectarianism, from elementary education and literature (Kehoe, 1865, v. II, p. 715).

Surprisingly, the action of the legislature in 1842 and Bishop Hughes' re-direction of his energies into the building of Catholic schools did not end the state funding of religious schools in New York State. The Comptroller of the City of New York (Convention, 1868) reported to the state constitutional convention in 1868. The members of the convention had made a request for the amounts paid by him, or his predecessors in office, to charitable institutions from 1847 to 1867. He reported the following (among many others):

1866	$10,000	Parochial school in Fourteenth Street
1866	$10,000	Saint Bridget's School
1867	$5,000	Saint Stephen's in 28th Street
1867	$5,000	Saint Gabriel's in 13th Street
1867	$5,000	Holy Innocent's School, 37th Street.
1867	$5,000	Saint Peter's Church School
1866	$5,000	Saint Mary's School
1867	$5,000	Saint Theresa's School, Rutgers Street
1867	$5,000	Transfiguration Church School

The legislature continued the ban on public moneys for sectarian schools on April 19, 1871:

"It shall not be lawful for mayor, aldermen, and commonality of the city of New York, or the board of supervisors of the county of New York, or the board of appropriations herein created, to appropriate or apply any portion of the tax, herein authorized to be raised in aid of any private or sectarian school, or to any institution or enterprise that is under the control of any religious denomination..." (Laws of NY, 1871, c. 583).

Despite this legislative action to exclude denominational institutions from public funding, the act then specifically exempts several religious institutions, including St. Joseph's Orphan Asylum. On April 28, 1871, the legislature included several religious schools (including a denominational college) in its allocation to orphanages and other charitable works:

$1875	Saint Michael's Female Free School, Flushing
$1875	Saint Michael's Male Free School, Flushing
$3000	St. Joseph German American Industrial School
$3750	Christian Brothers' Academy at Albany
$750	Saint Mary's School for Girls, Albany
$2250	German Charity School in charge of the Sisters of St. Francis, Albany.
$2500	Saint John's College, Brooklyn
$750	St. Peter and St. Paul, Brooklyn
$750	Parochial School on North Sixth Street (Saint Vincent de Paul), Brooklyn
$5,000	Saint Joseph's, Brooklyn
$375	Saint Patrick's School, Brooklyn. (Laws of NY, 1871, c. 869).

These above examples must be viewed as exceptions. In general, denominational schools, teaching sectarian doctrine, were excluded from public funding. Funding was permitted only to public schools, which were to be nondenominational. This, however, did not mean that they were to totally devoid of religious teaching. This will be the subject of the next section.

Issues relating to the question of applying public funds to religious schools remain. Is it constitutional for parents to receive vouchers in order to cover the cost of tuition to religious schools? May parents deduct form their state income tax some of the costs related to sending their children to religious school? Yes (Mueller v. Allen).

THE NONDENOMINATIONAL PUBLIC SCHOOL

In general, Protestants, who were the majority of the population of the United States, supported the public schools. These schools were seen as common schools, where all citizens would receive the same instruction in American and Christian virtues. "The common schools that Horace Mann envisaged were designed to equalize opportunity for everyone, to create a level playing field, and to bring children from all walks of life together in order to prepare them for citizenship in a democracy" (Kane, 1995, p. 2). Bible readings, hymns, and prayers were all part of the curriculum. These were meant to be non-denominational, and on Sundays the children were to be taught the particular tenets of their faith in their churches (Carper & Layman, 1995).

The Protestant clergy were very supportive of the common schools. In fact, the first three superintendents of public education in Kentucky were ministers (Tyack 1966). In South Dakota, Josiah Ward, a graduate of Andover Theological Seminary, was superintendent of schools in Yankton and was a member of the State Board of Education. In Alaska, in 1885, Shiloh Jackson, a Presbyterian minister, became the first General Agent of Education. In Oregon, George Atkinson, also a graduate of Andover, founded both public and denominational schools.

Sometimes Catholic priests and Protestant ministers cooperated in the founding of schools. John Montieth, a Presbyterian minister, and Father Richard, a Catholic priest, were appointed president and vice-president respectively of the University of Michignia, and also occupied all of the professorships. In addition to these duties, it was their responsibility to establish schools and appoint teachers in every county. This arrangement ended in 1821 (Putnam, 1904).

Generally, however, the Catholic hierarchy opposed this non-denominational approach. To many Catholics, public school societies, like the Public School Society of New York, were composed of "Protestant gentlemen who promoted an evangelical piety which was offensive" (Dolan, 1985, p. 263). The offense was the private reading and interpretation of scripture. The Catholic Church believed that it was the infallible teacher of the bible; private reading and interpretation of the scriptures were viewed as undermining that right (Lannie, 1968).

The danger that Catholic students who attended public schools would lose their faith was a concern of the American Catholic bishops as early as 1829. Meeting in Baltimore, they decreed (#35) the founding of the Catholic Tract Society in order to publish books that would "correct the errors contained in many books used in the common schools" (Guilday, 1932, p. 94).

When the American bishops met in Baltimore (1840), the Protestant orientation of the common schools was a major concern. In their pastoral letter they wrote:

> We can scarcely point out a book in general use in the ordinary schools ... wherein covert and insidious efforts are not made to misrepresent our principles, to distort our tenets, to vilify our practices, and to bring contempt upon our Church and its members. The system of which this a part has been of long-standing and is not peculiar to the United States. It is no easy matter thus to preserve the faith of your children in the midst of so many difficulties (Nolan, 1984, p. 126).

Three years later, the American bishops condemned the "efforts made to poison the fountains of public education, by giving it a sectarian hue, and accustoming children to the use of a version of the Bible made under sectarian bias, and placing in their hands books of various kinds replete with offensive and dangerous matter." They reminded parents "of the awful account they must give at the divine tribunal, should their children by their neglect or

connivance, be imbued with false principles, and led away from the path of salvation" (Nolan, 1984, pp. 141-42). The Catholic hierarchy, thus, determined to provide their own schools for their children and to seek public funding for these schools, as noted above.

This action was taken at a time of growing anti-Catholicism in the United States. In 1834, for example, the Ursuline convent in Charlestown (MA) was burned in anti-Catholic rioting. Anti-Catholic riots occurred in Philadelphia in 1843. The Catholic Church by the middle of the century had become the largest single denomination in the country. As Ahlstrom (1972) noted it was suspect for a number of reasons. First, the United States historically was allied with Protestant England, whose rivals were Catholic France and Spain. Secondly, the strong Enlightenment philosophy on which the country was founded saw the Catholic Church as the most powerful institutionalization of medieval superstitions. Thirdly, the growing strength of Catholicism threatened the Protestant power structures of the day. And finally, Catholic immigrants settled primarily in the cities, where they contributed to the gradual shift of power to urban centers and away from traditional agrarian way of life. "The fact is that no one in America worried about religious instruction in schools before Catholic immigration threatened the Protestant hegemony" (Laycock, 1992). These nativist biases were also directed Masons, Unitarians, and Mormons.

One of these nativist groups, the Know-Nothings, grew stronger in the years after the Civil War. It sought to deny public funds to all Catholic institutions by denying funds to all sectarian institutions. In September 1871, President Grant said to a reunion of Civil War veterans in Des Moines: "Leave the matter of religion to the family altar, the Church, and the

private school supported entirely by private contribution. Keep the church and state forever separate" (McAvoy, 1966, p. 21).

Representative James G. Blaine, who ran for President against Grant, proposed an amendment to the U. S. Constitution prohibiting the use of public funds to support any institution, including schools, under the control of any religious sect or denomination:

> No State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be made under the control of any religious sect or denomination; nor shall any money so raised or lands so devoted be divided between religious sects or denominations (Congressional Record, IV, Part 1, p. 205).

This amendment passed in the House, but failed in the Senate. The Republican platform of 1876 supported this constitutional amendment (Peterson, 1990). Between 1877 and 1917 the basic principles of the Blaine Amendment were written into 29 state constitutions, and every state admitted into the union since 1876 has required the establishment of a school system that was free from sectarian control (Buetow, 1970).

Many Protestants were willing to sacrifice the religious nondenominational character of the public schools, in order to make these schools acceptable to Catholic students. Horace Mann (1848b), for example, wrote:

> [There has been] a refusal by Roman Catholics to allow their children to attend the common schools. But this refusal, we believe, has been owing mainly to a lack of liberality on the part of the directors and teachers of these schools towards Roman Catholics, --to the fact that they were not allowed to come into the schools on other than a Protestant footing, --that their religious peculiarities have not had the same liberal treatment, which the religious peculiarities of Protestants have received, --to the fact, in a word, that it has been insisted, unwisely and unfairly, as we think, that the common schools should be Protestant schools, and that, if the children of Roman Catholics came

> into them, they should conform to Protestant rules, and receive a Protestant education. Whenever the opposite principle has been adopted, and acted upon long enough to banish jealousy and excite confidence, there has been no difficulty in securing the attendance of Roman Catholic children (p. 163n).

Other Protestants were willing to sacrifice the Protestant character of the public schools in order to attract Catholic children, but their motives were not as liberal as those of Mann. The Congregationalist journal, New Englander, editorialized: "As foreigners and as Roman Catholics, they are incomparably the most ignorant class of our population.... It is better that Roman Catholic children should be educated in public schools in which the Bible is not read, that they should be not educated at all, or educated in schools under the absolute control of their priesthood" (Curran, 1954, p. 39).

These nativist biases were also directed against Horace Mann. He was a Unitarian, in state where the Congregationalist Church was still quite strong. In his twelfth annual report as secretary of the Board of Education, Mann (1848a) had to defend himself against charges that he was, in his efforts to keep public schools nonsectarian, that he was against religion. He wrote: "But our system earnestly inculcates all Christian morals; it founds its morals on the basis of religion; it welcomes the religion of the Bible; and, in receiving the Bible, it allows it to do what it is allowed to do in no other system, --to speak for itself. But here it stops, not because it claims to have compassed all truth, but because it disclaims to act as an umpire between hostile religious opinions" (p. 126).

Although there were efforts made to seek a middle ground, they proved to be counterproductive. For example, between 1833 and 1870, Bishop John Purcell of Cincinnati tried to cooperate with public schools by having Catholic students use Catholic Bibles in class

and have religion classes taught by Catholics. Unfortunately, his efforts led to unanticipated consequences-- exclusion of all religion from the public schools. In 1859, the Cincinnati Board of Education ruled that all religious instruction, bible reading, and hymns were to be removed from the curriculum, so that the public schools could appeal to a wide audience. The Protestant clergy rallied against this decision, which they saw as an attack on the Christian foundations of Americanism. The Superior Court of Cincinnati overturned that decision. In 1870 the Supreme Court of Ohio ruled in favor of the school board, and "placed another brick in the wall of separation between Church and State" (Dolan, 1985, p. 269).

Bishop Kenrick of Philadelphia sought permission for Catholics to use the Duoay version of the Bible in public school class. Public school authorities responded by excusing from bible readings any students whose parents objected, and allowing students to use any bible that they wished, provided that it was without commentary. This response posed a difficulty for Catholics because the Duoay version had footnotes and commentary. Catholics had to ask, therefore, to be excused from the Bible readings and services that to many Protestants were the core of the curriculum (Walch, 1996). This prompted the three days of anti-Catholic rioting in 1843, during which two Catholic schools were burned.

Superintendent of Schools Spencer (Assembly Documents, 1842) admitted that public schools could never be entirely free from sectarian instruction. "Even the moderate degree of religious instruction which the Public School Society imparts, must therefore be sectarian; that is, it must favor one set of opinions in opposition to another, or others, and it is believed that this always will be the result, in any course of education that the wit of man can devise" (p. 138).

This is because the effort to avoid sectarianism is itself sectarian, in that "it would be consonant to the views of a peculiar class, and opposed to the opinions of other classes"(p. 141). Those today who believe that the secularism of schools today is itself a sectarian influence may find support in Skinner's words.

When Catholics decried the "godless" character of the public schools, it was not because of the absence of God, the bible, or prayer. Rather, it was because this Protestant character of these schools was inimical to the faith of Catholic children. In his study of the development of the Lutheran system of parochial schools, Beck (1965) noted that whereas Catholics founded their school because of the Protestant character of the public schools, Lutherans founded theirs because of the Calvinistic-Reformed influence over the public schools. He wrote: "That both of these positions were correct then as well as now is quite evident in the fact that the public school systems in many localities are made to serve the interests of the politically active Calvinistic-Reformed groups whose historic confessions have ever demanded a close alignment of the functions of Church and State" (p. 349).

In many places, public schools have become secular, removing all religious influence. However, the religious character of public schools remains an issue. Is it permissible for the Bible to be read as part of the morning program? No (Abington v. Schempp). May schools distribute Bibles in classrooms? No (Berger v. Rensselaer). May schools include a nondenominational prayer at school graduations? No (ACLU v. Black Horse Pike; Lee v. Weisman).

THE RELIGIOUS PUBLIC SCHOOLS

In the midst of the efforts in New York to sanction public funding of religious schools, Bishop Dubois of New York proposed in 1834 to the Public School Society that it either provide at least one school in which it hired a Catholic teacher, removed materials offensive to Catholics from the textbooks, and allowed religious instruction after school or that it sell one of its schools to the Church (Ravitch, 1974).

The Society rejected his proposals. He and his successor, Bishop Hughes, continued to argue until 1842 for the public funding of parochial schools. When this effort failed, Bishop Hughes supported the development of a separate, parish-financed Catholic school system. However, buried in Dubois' proposal was an idea that generated considerable interest throughout the United States—that the district provide a school for which the district hired a teacher from a particular denomination, removed materials from all textbooks which were offensive to that denomination, and allowed for denomination instruction after school,

Shortly after Dubois unsuccessfully proposed an agreement between the Public School society and the Catholic Church, the school committee of Lowell, Massachusetts entered into an agreement with the church. The church operated two schools, one at Saint Patrick's and the other at Chapel Hill. The committee proposed that:

1. The instructors must be examined as to their qualifications by the committee, and receive their appointments from them.
2. The books, exercises, and studies must all be prescribed and regulated by the Committee, and no other whatever must be taught or allowed.
3. These schools must be placed, as respects the examination, inspection, and general supervision of the committee, on precisely the same footing with the other schools of the town (Walsh, 1901, p. 9).

In addition, the committee agreed that the instructors had to be of the Catholic faith, and that the books prescribed should contain no statements not agreed to by the church. Both Saint Patrick's and the school in Chapel Hill were incorporated into the public school system under these terms.

In his last year as secretary of the Board of Education, Horace Mann (1848b) expressed strong approval of the compromise in Lowell. In a footnote, he quoted at length from a letter written to him by John Green of Lowell. Green wrote: "By this mutual conciliation, we easily secured incalculable advantages; and from these small beginnings have grown up a class of large and highly respectable schools, drawn from our most degraded population. The Irish children may now be found in every school in the city in considerable numbers, even in our high school" (p. 164n). Perhaps, as Green suggests, Mann's approval was motivated by the fact that this compromise had opened the door for Catholic children to enter other public schools.

Eventually, these schools were moved out of Church basements and into separate buildings, and gradually these schools lost their Catholic identity. By 1850, the grammar school (designated as School #5) became, ironically, the Mann School, named after Horace Mann. The appointment of Catholics also lapsed, and so by 1848 in nine school buildings supposedly designated for Irish Catholics, there were only four Catholic teachers and no Catholic principals (Walsh, 1901).

The best know examples of this cooperative effort were in Poughkeepsie, New York and Savannah, Georgia. On July 9, 1873, Archbishop McCloskey of New York and the School Board of Poughkeepsie entered into an agreement whereby the parochial schools of Saint Peter's

Church on Clover and Mill Streets were rented by the Board. The conditions were, according to George Cramer (1890), the President of the Board of Education:

> The Board to lease from the Church the school buildings at the nominal rent of one dollar per annum, keep them in repair, pay insurance, cost of heating, teachers' salaries and other expenses of maintaining the schools, and conduct them in the same manner as the other schools of the city under its supervision; the church reserving the privilege of using the building [sic] for its own purposes, outside of school hours, but no religious instruction to be given during said school hours.
>
> The course of studies, text-books, appointment of teachers and general conduct and control of the schools to be entirely under the jurisdiction of the Board, and the members of the Board and its officers and agents to be allowed free access to the buildings during school hours (p. 5)

The state school hours were from 9 to 12 and from 1:30 to 3. Religious exercises were conducted before and after school hours, with religious instruction during the lunch break. McSweeney (1887), who was pastor of Saint Peter's in 1873 and represented Archbishop McCloskey in negotiating this plan, recorded the following daily schedule:

8:45 Morning prayers.
9:00 Regular secular course as in other schools.
12:00 Short prayer; then recess.
1:00 Religious instruction.
1:30 Regular secular course.
3:00 Closing religious exercises (p. 767)

He also notes that no child was compelled to attend religious exercises or instruction. Those children, whose parents exempted them from the religious exercises and instruction, especially Protestants, would receive the same instruction given in other public schools. Parents who wanted their children to participate in religious instruction and exercises would have their children receive the religious influences that they desire for them.

Two controversies arose, both concerning the Sisters who taught in the schools. During the Fall of 1884, the Board sought to introduce a new state-mandated hygiene curriculum in the schools. The state legislature required that all teachers to pass an exam on this curriculum. Mother Jerome, the provincial superior of the Sisters of Charity who taught in the school, wrote to Archbishop Corrigan of New York that the Sisters would withdraw from the schools before they would submit to the examination. In a letter written on December 27, Father James Nilan, the pastor, wrote to Corrigan reminding him that according to the contract approved by Rev. Dr. McSweeney as Cardinal McCloskey's agent the Sisters could be required to pass the written exams that other teachers were required to pass (AANY). As a result of the Archbishop's intervention the Sisters took the examination and passed it.

A more serious conflict arose concerning the habit worn by the Sisters. On January 6, 1897, Nilan (AANY) writes to Corrigan that "A decision rendered lately by Supt. of Schools Skinner concerning the garb of teachers in public schools makes it probable that our schools are affected by it. It is unlikely that after June of this year the sisters may not be permitted to teach." He then suggested that an appeal be made on the grounds that it is unconstitutional to proscribe, and thus implicitly to prescribe, a mode of dress for teachers. Although in a letter to Corrigan on January 21 Nilan wrote that "our school trouble has come to an end," the problem emerges again the following Fall. A local resident, Edward Keyser had protested to the Board that sisters in habit were teaching in public school, operating in buildings owned by a church. On November 10, 1897 Nilan wrote: "The proposal made to me by a committee of five appointed for the purpose is that the to remove the objection the sisters modify their uniform during the hours

spent in the class room" (AANY). He even proposed in a letter (May 30, 1898) to Mother Mary Rose of the Sisters of Charity that she allow her sisters to wear "another dress during school hours" (AANY). On this question, the Sisters remained adamant.

On December 22, 1887 Skinner ruled that the compromise plan had to be terminated. The Board voted the next day to terminate it. At the end of the 1898-1899 school year, Saint Peter's Church sold to the Board one of the two schools it had been leasing. Nilan informed Archbishop Corrigan on May 26 and 29, 1899 that he intended to combine boys and girls into the girls' building, until he could build a new second school (AANY). The Poughkeepsie Plan had come to an end.

When the plan was ended, the reasons cited by State Superintendent Charles R. Skinner were that the religious garb worn by the sisters constituted secular teaching and the permanent leasing of public school buildings.

With regard to the question of teaching in habit, he wrote: "The wearing of an usual garb worn exclusively by members of one religious sect and for the purpose of indicating membership in that sect by the teachers in the public schools, constitutes a sectarian influence, which ought not to be persisted in" (Assembly Documents, 1899, p. 111).

This case was not the first case in which a New York Superintendent had to address the question of religious garb worn by sisters in the classroom. On October 3, 1885, Saint Raphael's Church in Suspension Bridge had placed its school under the Board of Education of the Union Free School District No. 7. Three sisters of Charity continued to teach in the school. Leander Colt protested to the Board, which refused to hear the case. He then appealed to Superintendent

Andrew Draper. Colt argued that the sisters taught in habit, began and ended the day with prayers, had holy pictures and statues in the rooms, and that the school building was not a component part of the school district. Superintendent Andrew Draper (Assembly Documents, 1888) ruled that there was sufficient cause to lease the building. The building then became a public school building. Using words cited in several subsequent decisions by Skinner, he then decided that the wearing of the habit was a violation of the state constitution. "[I] have arrived at the conclusion that the wearing of an usual garb worn exclusively by members of one religious sect, and for the purpose of indicating membership in that sect, by the teachers in a public school, constitutes a sectarian influence which ought not to be persisted in" (p. 858).

On August 10, 1895 the West Troy school district leased several rooms of the former Saint Bridget's School, during school hours only. Eight Catholic teachers were hired, including six Sisters, who taught in habit. Again, citing Draper, Skinner (Assembly Documents, 1897) ruled on November 25, 1896 that the habit worn by the sisters constituted a sectarian influence. Meanwhile, with the start of the 1896-1897 school year, the West Troy school district was absorbed into the Watervliet District, which renewed the arrangement with the sisters. Skinner, on May 15, 1897, again ruled that the habit constituted a sectarian influence. This caused much so dissension on the Board that they refused to hire anyone--superintendent, principals, teachers, janitors--for the 1897-1898 school year. Skinner sent a representative, A. M. Wright, to take over the schools from the Board and to open them. When Wright did so, Charles Hutchinson brought suit. The New York Supreme Court (Hutchinson v. Skinner) decided for Skinner in November of 1897.

Nor was Poughkeepsie the last case in which Skinner had to address this issue. In 1901, School District 99 in Lima, New York hired two Sisters of Charity to teach in the South School, a school that had formerly been a parochial school. On June 5, 1902 Skinner (1906) ruled that it was not permissible for them to teach in their habits, because, reiterating the words of Draper, it constituted "a sectarian influence and the teaching of a denominational tenet or doctrine which ought not to be persisted in" (p. 164). The following September, the school district hired one of these two sisters and another sister, and they continued to teach in habit. On May 28 1903 Skinner reiterated his decision of the previous June. When Patrick Hendrick notified the sisters on May 29 that they could no longer teach in habit, they persisted and taught in habit until the end of the school term. When their paychecks were withheld, they sued. In O'Connor v. Hendrick), the court decided that Mr. Hendick owed the sisters only the amount that they had earned prior to being notified.

The court (Hysong v. Gallitzin) in Pennsylvania reached an entirely different verdict. In Gallitzin, when the parochial school was closed, it was turned over the Board. Four Sisters of Charity were hired by the Board to teach in the former parochial school. When a new school was built, the Board hired six Sisters to teach. The court ruled that it was permissible for the Board to hire the sisters, because their exclusion from hiring would be a violation of their First Amendment rights. As long as these sisters provided no sectarian teachings and conducted no sectarian religious exercises, they were allowed to wear their habits in the public school classroom. Justice Williams in his dissent, however, argued that the garb itself was sectarian teaching.

In an article in the New York Times on February 7, 1895 the problem of the permanent leasing was addressed.

> There is a question whether the Board of Education by keeping in repair and paying insurance premiums on the parochial school building is not using public funds to maintain institutions in part under the control of a religious denomination, and in which denomination tenets and doctrines are taught, not withstanding that such teaching is done after school hours, when the board has no control over the buildings. If so, the Constitution is being violated.

Skinner ruled that the permanent leasing of building had to cease. "Cities, villages and school districts must own the buildings in which their schools are conducted save only when temporary hiring of rooms or buildings is made necessary by some sudden emergency" (Assembly Document, 1899, p. 118). He included in his decision that the permanent leasing of space in the Hoffman street chapel of the Baptist church must end, and that previous leasing of space in the Universalist church, in Faith chapel, and in the primitive Methodist church on Church street had also been unconstitutional.

The Savannah Plan was similar to the Poughkeepsie Plan. It began on an earlier date, and ended on a later date, but many of the conditions of the plans were similar. In 1862, Bishop Verot made the first appeal to the school commissioners for financial assistance to Cathedral School. It was denied due to the financial constraints the war had placed on them. They generously offered, however, despite the financial constraints, to make places available in the public schools (Gannon, 1964). On November 1, 1867, Verot sent a letter to the mayor and the aldermen of Savannah requesting that the Catholic schools of the city be united with the public school system. The argument of Verot was that Catholics were undergoing a double taxation, and that they should be relieved of this. On November 19, the Board declined, stating that public

schools were for everyone, and if anyone opted out of the system, the system should not have to provide money for them:

> "The Board regrets that any persons in the community should decline to accept the opportunities of education the opportunities of education offered by their public school system. They do not, however, acknowledge any blame or fault in themselves, or their school system upon that subject, or on that account. Nor can they recognize any right in individuals or associations to claim any proportionate part of the public educational fund, on account of a voluntary refusal from peculiar religious motives, to partake of its benefits" (Savannah, 1868, p. 2)

Part of the initial hesitation on the part of the Board was that Verot requested that three Catholics be appointed to the Board, and that one of these appointees be a priest. The Board claimed that the Reconstruction government in Atlanta had determined the composition of the Board, and that the Board did not have the power to change its composition.

On December 8, 1868 R. D. Arnold, M.D., the President of the Board of Education, wrote the city council of Savannah:

> "The classification of pupils according to religious faith once inaugurated, must, in principle, be extended to all denominations--and Hebrew, Roman Catholic, Baptist, Methodist, Episcopalian, Unitarian, Lutheran, Swedenborgian, and whatsoever denomination else may exist, will each the right to demand separate educational establishments under the nominal supervision of the Board of Public Education, but managed according to their several peculiar views as to intellectual or spiritual instruction. Such a scheme would be a virtual destruction of the active vitality of the Board of Education and a resolution of the whole grand plan of public education into the primary elements of separate, private, or denominational and strictly Sectarian schools. There is no complete power without concentration. There can be no well directed or efficient energy without a unity of purpose and action" (Savannah, 1868, pp. 4-5).

Having said this, Arnold continued:

> The Board has no wish to interfere with the conscientious views of individuals or of sects with reference to the question of religious instruction, and should any schools be placed under their charge composed of pupils whose protectors desire them to be educated in any particular religious faith, the Board

> sees no objection to allowing the respective school houses to be used for the purpose of such religious instruction, at a proper time of the day, without interference, nevertheless, with the usual school duties and arrangements, or the established school hours (p. 5).

On March 3, 1869, Verot submitted to the City Council a petition that protested the referral of their previous petitions to the Board of Education. He argued that the Board has no legal authority, because it was established by the Reconstruction government, without "any participation and even knowledge of the inhabitants of the City of Savannah" (Savannah, 1870, p. 3).

Several different proposals passed between the Board and Bishop Verot. On May 16, 1870 the following agreement was reached:

1. The Catholic schools shall be received under the control of the Board of Education.
2. Teachers in the Catholic schools shall be in all cases members of the Catholic church, but to be subject to examination and appointment by the Board of Education.
3. The text-books used in these schools shall be the same as are used in the other public-schools, except books on history, geography, and reading books.
4. These schools shall be opened with reading the Scriptures and the Lord's Prayer. Such versions of Scripture may be used as the teacher may prefer.
5. The school buildings shall be under the control of the Board of Education.
6. The Trustees of the Catholic school buildings shall have power to withdraw them from the Board of Education at the end of any school year, whenever they are dissatisfied with the arrangement, provided that they shall give three months notice of such withdrawal.
7. In case of such withdrawal the Board of Education may remove all apparatus, books, movable fixtures, and furniture which they may have furnished for these schools.
8. The Board of Education shall have full control of the discipline, instruction, and general management of these schools, the same as the other schools under their care, including also the length of the sessions, the arrangement of school, courses of study, work, and duties, and all the interests of these schools.

9. The teachers of these schools will be expected to attend the meetings of the Normal class the same as teachers of other public-schools. They will give respectful attention to the suggestions and instructions of the Superintendent, and are expected to exert themselves to carry out his views in the management and instruction of their schools.
10. The holidays shall be such as are usually given in Catholic schools (Savannah, 1870, pp. 9-10)

Powers (1956) reported on a interview that she had with Kate Walsh, who taught in the Savannah Public Schools form 1899 to 1949, including twenty years in the Catholic schools that were part of the public school system. Religion classes were held each day from 8:30 to 9:00 before the beginning of the official school day. Interestingly, it was her experience that non-Catholic students were more enthusiastic in these classes than Catholic.

The Savannah Plan was terminated by action of the Board of Education on December 18, 1916 (ASBE, 1916). Earlier that year, George Richter protested to the Board that the agreement violated the Georgia State constitution by using public funds for sectarian schooling. He then protested to M. L. Brittain, the State Superintendent of Education. Brittain, after asking the advice of Clifford Walker, the Attorney General, ruled that it was in the best interests of church and state that the agreement be terminated (Garnon, 1964).

Although these are the best know examples they were not the only examples of such cooperation. B. M. Zettler (1890), the Superintendent of Public Schools in Macon, Georgia, reported on a compromise plan then operational at Mount de Sales.

> The second year of our school system, the Roman Catholics petitioned our Board to elect two teachers Sisters of Mercy or members of the Roman Catholic Church as public school teachers and allow them to occupy a building furnished by members of that Church and also to permit children of that congregation from all parts of the city without regard to school district lines to attend the school thus provided for. The application was

granted, and the same arrangement has continued to this date.

The same books are used in this school as in the others, and the school has the same daily session as the others (p. 8).

Another compromise occurred in Augusta, Georgia at Saint Mary's Academy where "The School Board of Augusta simply appoints Catholic teachers belonging to the Catholic Church to certain school buildings for which the city pays no rent" (correspondent, 1890, p. 8). Those teachers who were Sisters of Mercy were not required to attend Normal Class, but the Christian Brothers on the staff were required.

In 1868, Saint Patrick's School entered into an agreement with the city of New Haven. The teachers in the school, Sisters of Mercy, were to be paid by the city, while the school building was to remain the property of the church. After ten years, the plan dissolved over two issue: religious exercises during the school day and the wearing or religious garb by the Sisters (Buetow, 1970).

In 1860, Peter Kelly, the pastor of Saint Peter's Church in Hartford, Connecticut, signed an agreement with the school board in which the parish supplied and maintained the school, while the school board paid the teachers. When vacancies occurred, the school board hired several Protestant teachers. When one of them began to use the King James Bible for morning exercises, the church objected. Whereupon, in 1866 the school board accused the church of being opposed to religious instruction in the school, and the agreement broke down (Buetow, 1970).

Archbishop Ireland (1897) of St. Paul addressed the annual convention of the National Educational Association in 1890. "I am a friend and an advocate of the state school. In the

circumstances of the present time I uphold the parish school. I sincerely wish that the need for it did not exist. I would have all schools for the children of the people to be state schools" (p. 199). He spoke with pride of the arrangement in Poughkeepsie. The following year he turned over the parochial schools in Faribault and Stillwater, Minnesota to the state to be administered as public schools. The nuns and the rest of the faculty were hired by the state to teach the ordinary school curriculum during school hours. They taught religion after school. His plan was opposed both by German Catholics who saw it as a violation of the decrees of the Third Plenary Council of Baltimore and by non-Catholic who saw as an attempt to get the state to finance Catholic education. Initially, the strongest opposition to Ireland's plan in Faribault and Stillwater were the German Catholic newspapers (e.g., Amerika of Saint Louis, and Columbia of Milwaukee), as well as the German Jesuits missionaries. This later group used its influence in Rome to begin a Vatican investigation of the Archbishop. It was only the strong support of Cardinal Gibbons of New York that led to a decision by the Holy See that the plan was acceptable (Ellis, 1952). However, within two years, the school board decided not to renew the contracts.

Alpine, Michigan was the site of another compromise. The school in this entirely Catholic town had been built partly by subscription and partly by taxes. Religion was taught in the school, and the teachers were paid by taxes, by church donation, and by tuition. When the Board wanted to dismiss a teacher Aloysius Batasche, who lived with his family in the basement of the school, Father Schmitt, the pastor, objected. The Board seized control of the school. The pastor led a procession after Mass to reclaim the school. The pastor and Edward Cordes, a member of the Board fought over an unhinged door. Deputies intervened. Eventually Bishop

Richter of Grand Rapids sued the school district, claiming that the school was a parochial school over which the Board exercised no control. The court decided in1894 that the school was a public school. For many years it had accepted public moneys. "It would be a reproach upon their honor and good citizenship to hold that for years they [the Church leaders] had been obtaining under false and fraudulent representations public moneys for sectarian purposes" (Richter v. Cordes, p. 285).

Nor are these examples restricted only to cooperation between school boards and the Catholic Church. Beck (1965) reported that several Lutheran congregations in Pennsylvania turned their schools over to the public school authorities during the middle of the nineteenth century. These schools were to be conducted "under the joint direction of the congregation and the local school-board, the members of which sometimes, in thickly settled Lutheran communities, were members of the Lutheran congregations within the district" (p. 81). He cited as examples the Heidelberg School in Berks County, as well as schools in Coopersburg, Shiremanstown, Greensburg, and Trappe. Lutheran pastors were frequent visitors in these schools.

The San Marcos Baptist Association owned a school in Kyle, Texas. When a fire partially destroyed the building, the association did not have the funds to rebuild the school. The association turned the school over to the school board, which rebuilt the school and hired the same teacher, who was a Baptist. Although no secular teaching occurred during the school day, the day did begin with prayers. When several citizens sued, arguing that the school was sectarian. The Texas Supreme Court in 1892 (Nance v. Johnson) supported the school board.

In Unicol county, Tennessee, a rather ecumenical spirit prevailed, at least initially. After arsonists destroyed three school buildings, the school directors built a new school in which it was announced that both religion and secular subjects would be taught. The school was paid for primarily through donations. The hope was that if religion were taught, the buildings would be held in greater esteem. On weekends, several different denominations held religious services and Sunday school in the building. Difficulties arose when the school directors wanted to hold elections in the buildings, and the trustees of the building refused. The directors broke in and held the election. When the trustees gave permission to the Methodist Episcopal Church to dedicate the building as a place of worship, the directors refused. Thereupon the trustees sued the directors. The court (Swadley v. Haynes) decided in 1897 that the building, even though used a public school, was the property of the trustees. Its use for religious purposes, at times when it was not being used as a school, in no way prohibited the renting of the property for use as a public school.

As is evident from the number of court cases and appeals to state superintendents of education there were many that disagreed with these plans. In a series of articles in The Independent on September 4, 1890, both sides of the argument for these denomination public schools were presented. Cardinal Gibbons, Archbishop Ireland, Rev. James Nilan, Rev. Alfred Young, and others write favorably about the plan. Others spoke more negatively. W. T. Harris (1890), the U.S. Commissioner of Education, wrote:

> [T]he concessions made in Savannah, Poughkeepsie, and a few other places, viz., a compromise which permits religious exercises before or after school in the school-room, or which permits the teacher to wear the garb of some Catholic

> order—the garb of the Sisters or of the Priesthood—militates against the public character of the school, and cannot be conceded as a possible compromise" (p.3)

J. W. Patterson of New Hampshire, John Q. Stewart of Pennsylvania, J. M. Dickinson of Massachusetts, John Hancock of Ohio, all educational leaders in their states, deny that such a compromise would be possible in their states. Thomas Hardie (1890), the Secretary of the Dubuque in Dubuque denied a report in the Chicago Advance that there were in Iowa over fifty public schools under the control of the Catholic Church. He called upon patriotic America "to keep a resolute eye on the insinuating movements of the Roman priesthood" (p. 8). Eight years earlier, however, in Scripture v. Burns, the Supreme Court of Iowa allowed the public school board to continue to rent a school building from the Catholic Church. The Board paid for instruction for six months of the year, while private donations paid for four months. Religion was taught only during these four months.

Many Catholics also opposed these compromises. James McMaster, the editor of the Freeman's Journal, an influential New York Catholic paper, and Bishop McQuaid of Rochester, campaigned against any compromise with the devil and the "godless" public schools (Dolan, 1985).

Despite these numerous setbacks, efforts to find an accommodation continued well into the middle of the present century. In 1933, five Catholic schools in Vincennes, Indiana, closed and public schools opened in three of the buildings. The school board hired the previous faculties, including the Sisters who continued to teach in habit. Holy pictures and statues remained in the classrooms, and every morning, before school, the parish priest would conduct

religious instruction in the church next to the school. In Johnson v, Boyd (1940) the Indiana Supreme Court ruled that this arrangement was constitutional.

Cronin and Donohue (1937) called these jointly administered schools "Catholic Public Schools." They investigated 140 of them, and speculated that there were about 340 elementary and secondary schools in which "church and public school authorities participate jointly in the administration of the schools" (p. 1). Walsh (1967) called these schools "Captive Schools." He claimed to have identified several hundred schools in 22 states, which are "public school[s], totally supported by taxes levied for the public school system, but controlled by the local Roman Catholic diocese" (n.p.).

An analyses of these attempts to establish denominational public schools would not be complete without a mention of Rev. James J. Tighe (1890) and what he called "The Pittsburg [sic] Failure." In 1887, he was elected principal of the public school that was next to his church. He closed his parish school, took off his Roman collar, was called "Mr. Principal," and administered the school as a public school. He would gather the Catholic students for religious instruction in the parish church for a half-hour before school began. After two and a half weeks, only 56 students were attending religious instruction. More than 300 hundred pupils had transferred with him to the public school. He wrote: "I presided over a school that according to the American idea could not offend Protestant, Jew, Turk, infidel or agnostic, but which I now see must have offended the great God grievously" (p. 7). He resigned his position, re-opened the parish school and brought the Catholic children back with him to the parochial school. He

remained convinced that "a combination of the Catholic Church with the Public School System is an utter impossibility."

Sister Raymond McLaughlin (1946) also questioned whether these compromise plans benefited the Church. "Their compromise character, which usually means that public aid is obtained at the price of relegating the teaching of religion to a period outside the legal school hours, is not in accord with Catholic educational policy which demands that religion permeate the whole educational process—organization, curriculum, and methods" (p. 214).

There are no schools today that could be called religious public schools. Similar issues, however, are very much alive. May public authorities cooperate with religious school authorities in providing Title I services to students in the religious school? Yes (Agostini v. Felton). May a public school district be intentionally drawn in such a way that only members of a single faith live within that district? No (Kiryas Joel v. Grumet; Grumet v. Cuomo). May religious denominations rent school property for after-hours use? Yes (Lamb's Chapel v. Center Moriches).

CONCLUSION

During the nineteenth century, there were three major efforts to provide public support for religious education. Most efforts in the early part of the century were directed toward funding denominational schools directly from public funds. These publicly-financed denominational schools, it was hoped, would remain separate from the public schools, but would stand alongside them in sharing the public school funds. The primary support, but not exclusive, for this effort was the rapidly growing Catholic Church.

The second effort opposed the first. The earliest public schools were to be non-sectarian, though distinctly Protestant. These nondenominational public schools were intended to be common schools for all students. Protestant thought Catholics who refused to attend these schools were being un-American. Catholics thought that Protestants were trying to proselytize their children. Although public schools continued to have some religious character, as a result of these struggles Catholics failed to get public funding for their denominational schools (effort one) and Protestants failed to maintain a distinctly, though nondenominational, character to the public schools.

The third attempt was to establish religious public schools, schools under the joint control of denominational churches and the public schools authorities. The Poughkeepsie Plan and the Savannah Plan are the most widely known attempts at reaching this compromise. Hundreds of other districts sought some sort of compromise.

Today, as we consider the relationship between religion and the public schools we need to ask ourselves what we can learn from the past. Do we continue to fight and to stake out our separate territories or do lay down our weapons and find a middle ground?

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